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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/690,361	10/21/2003	James L. Gregory	17690-01	4214	
7590 10/10/2006			EXAM	EXAMINER	
H. G. Bruss, Esq 25-LDP Owens Illinois Inc.			LEE, EDMUND H		
One SeaGate	IIC.		ART UNIT	PAPER NUMBER	
Toledo, OH 43666			1732		
			DATE MAILED: 10/10/2006	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Tokes   Examiner   Art Unit		Application No.	Applicant(s)						
Examiner  EDMUND H. LEE  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION Statistics of time may be available under the provisions of 37 CFR 1.73(b). In ro event, however, may a reply be timely field - If the Deriod for reply is specified above, the maximum stationy retend was play and well explicit SU, MONTHS from the mains date of this communication Failure to key which the earl or statistically retend was play and well explicit SU, MONTHS from the mains date of this communication Failure to key which the earl or statistically retend was play and well explicit SU, MONTHS from the mains date of this communication, even 1 family field, may reduce any same played the first the mailing stees of this communication, even 1 family field, may reduce any same played the major than the mailing stees of this communication, even 1 family field, may reduce any same played the first the mailing stees of this communication, even 1 family field, may reduce any same played the first the mailing stees of this communication, even 1 family field, may reduce any same played to the mailing stees of this communication, even 1 family field, may reduce any same played to the mailing stees of this communication, even 1 family field, may reduce any same played to the same played to the same played to the mailing stees of this communication.  1) Responsive to communication (s) filed on									
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2a) ☐ This action is FINAL.  2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c)☐ None of: 1.☐ Certified copies of the priority documents have been received. 2.☐ Certified copies of the priority documents have been received in Application No 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  **Attachment(s)**    Notice of References Cited (PTO-892)	Status			•					
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Art Unit: 1732

## **DETAILED ACTION**

## Election/Restrictions

- 1. This application contains claims directed to the following patentably distinct species:
- a) those claims directed towards making a tamper-indicating closure by molding and the closure made by the claimed method (claims 1-4).
- b) those claims directed towards making a beverage container by molding and the container made by the claimed method (claims 5-10).
- c) those claims directed to providing a container and a closure to form a package (claims 11-26).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571.272.1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDMUND H. LEE Primary Examiner Art Unit 1732

**EHL** 

10/1/06